sometimes rhetorically and sometimes supported by convincing figures. Fourteen messages urge the adoption of a "budget system" and minor financial reforms are urged in many cases.

Among the few jarring notes the most strident is that sounded by the incoming governor of Ohio, who sees in centralization of authority in the name of efficiency, a menace to free government. He says "Efficiency is important, self government is vital." "Freedom and the strength of civic character which come only from the exercise of self government are paramount to efficiency." "It is one of the evils of concentrated authority that the people come to look to the executive solely for needed changes in legislation, disregarding their own immediate constitutional representatives in the law-making bodies." "The people have looked with suspicion on all efforts to take power from them or their own representatives and vest it in some central authority with large powers of appointment." But, says he, "Fortunately for the people in our State not all the executive power is vested in the governor." The tenor of this message may, however, be accounted for in part in the light of recent vicissitudes of politics in that State.

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Home rule legislation during the years 1913–1914. The advance which home rule for cities has made since 1912, when four States (Arizona, Nebraska, Ohio, and Texas) took their stand on the side of local autonomy, has been slight in terms of States gained, yet two important state optional charter bills have been produced—one being now in operation. The New York bill (Ch. 444 of the Laws of that State) and The Report of the Joint Special Committee on City Charters in Massachusetts (Senate doc. no. 254. January, 1915), deserve detailed treatment both as regards their provisions and as representing action in two States in which the legislatures have been vigorous in their interference with local city affairs. First, however, should come a more general survey of what has been the progress of home rule during the years 1913–1914.

Maryland and Wisconsin. In addition to those twelve States which, up to 1913, have conferred upon some or all of their cities the power to draft or amend their own charter,[1] several others have taken steps in

[1] Missouri, 1875; California, 1879; Washington, 1889; Minnesota, 1896–98; Colorado, 1902; Oregon, 1906; Oklahoma and Michigan, 1908; Arizona, Nebraska, Ohio and Texas, 1912.

that direction. The legislature of Maryland has passed a constitutional amendment giving to the city of Baltimore the right of home rule, and this will be voted upon by the people of the State at the general election to be held in November, 1915. A similar amendment, providing, however, for state-wide home rule was defeated in November, 1914, at a general election in Wisconsin, by over fifty thousand votes. The terms of the proposed amendment to the constitution were unusually broad: "That cities and villages have power and authority to amend their charters and to frame and adopt new charters, and to enact all laws and ordinances relating to their municipal affairs, subject to the constitution and the general laws of the State."

Illinois, Kansas, Minnesota and Iowa. In Illinois, Kansas, Minnesota and Iowa public sentiment is strongly in favor of home rule and its partisans are hopeful of accomplishing substantial results. The question in Illinois grew out of a discussion of the public utilities law of 1913 which, it is claimed, violates Chicago's right of home rule, and the referendum which was submitted to the voters with the practical effect of a straw ballot gave the advocates of home rule the slight majority of a little more than eight thousand votes. The leagues of state municipalities in Iowa, Minnesota and Kansas have declared for home rule, chiefly, here also, as a measure offsetting state control of public utilities.

Missouri, Michigan and Washington. A further grant of home rule to St. Louis was made by the legislature of 1913, which transferred the appointment of the excise and police boards in that city from the governor of the State to the mayor of the city. Power of removal, however, may be exercised by the governor, the mayor, or the city council; if all members should be removed by the governor, he may fill the vacancies. This provision, it is evident, allows home rule to the city but permits the State to interfere in case of a needed enforcement of its laws. The supreme court in the State of Washington has decided that a general law enacted by the legislature is superior to and supersedes all freeholder charter provisions inconsistent with it. The home rule law in Michigan was upheld by the circuit court of the State in 1913, at its first real test, when three injunctions were brought against it.

Ohio and Texas. During the two years' trial of home rule in Ohio twenty-five cities have had charter revisions under consideration. Of these cities the voters in eight have rejected proposals to elect commissions for the purpose of framing new drafts; in seven others such commissions have been elected but their proposals were not accepted. Nine

cities (Ashtabula, Cleveland, Columbus, Dayton, Lakewood, Middleton, Springfield, Sandusky and Toledo) have adopted new charters. These charters have been of the modern variety—four providing for a city manager, two for commission government, and three drawn on the federal plan, with provision for non-partisan and short ballots, direct legislation, preferential voting, etc. Since the enabling act in 1913, seven cities in Texas have adopted new charters (Amarillo, Denton, McKinney, Sweetwater, Waco, Wichita Falls, and Taylor), and seven others have considerably amended their present forms of government. Other cities which have adopted home rule charters during 1913–1914 are St. Louis, St. Paul, Montrose (Colo.), Portland (Ore.), and Phoenix; such bills have been rejected in Seattle, Detroit and Minneapolis.

New York and Massachusetts. In New York State the Cullen-Levy bill, providing that every city in the State shall have the power to regulate, manage and control its property and local affairs and be granted all rights, privileges and jurisdiction necessary and proper for carrying such power into execution, was approved by the governor in April, 1913, and the municipal empowering act was upheld as constitutional by the state supreme court in September of the same year. Under these provisions the "Optional City Government Law" became effective on April 16, 1914, whereby authorization was given to "a city of the second or third class to adopt a simplified form of government." This act, which affords choice from among six forms of city government, finds a counterpart in the proposed solution of the home rule problem in Massachusetts. In that State a recess legislative committee as appointed in July, 1914, to "investigate the subject of charters and laws for governing cities, and providing a standard form of charter for the government of cities both by commission and otherwise, and any other matters which the committee may deem pertinent in regard to the subject of city laws and charters." Its report, issued in the following January, offers four types of government for adoption by any Massachusetts city, with the exception of Boston.

New York law. The council. In the six plans included in the New York law there are not so many differences as one would expect to find. A small council is everywhere given the balance of power. Plan E provides nine councilmen, F permits their election by districts, though only one from each ward; otherwise the council consists of five or six members, elected at large. In three forms, (A, B, and C) the mayor is merely a member of the council, its presiding officer, who has a vote but no veto, and who oversees general municipal affairs, with the privi-

lege of making reports and recommendations to the council, and is the official head of the city for functions, etc. Plan C gives the council power to appoint a city manager to take administrative and executive charge, and, while he is given wide jurisdiction, he is subject in all matters to the council. The council itself, in Plans A and B, has complete authority over departmental affairs; in A dividing the supervision among its own members and in B performing the duty as a collective body.

The mayor. In Plans D, E and F the mayor is given the executive and oversight as to administration, the difference here being as to the size and election of the council. As chief executive head of the city he maintains peace and order, enforces laws and ordinances, looks to it that officers of the city perform their duties. To the council, however, is given the appointment and removal of officers. All resolves and ordinances of that body are submitted to the mayor; but if he disapprove the council may pass over his disapproval by a four-fifths vote. In each of these plans a maximum compensation for councilmen is indicated; in D, E and F, the salary of the mayor is three times that of a councilor, in A it is one-fourth larger, in B and C it is the same.

Massachusetts Report. Plans A and B. Much more powerful is the mayor in Plan A submitted in the Massachusetts report, which is called the "responsible executive type." Here the government consists of a mayor and council of nine elected at large, with the council simply a legislative body. Absolute power of appointment and removal of heads of departments and members of boards (save, of course, the school committee, assessors, and those appointed by the governor of the State), is given the mayor, as well as the veto power in regard to council measures. Plan B divides authority between the mayor and a council of fifteen or eleven, elected partly by wards and partly at large. The mayor as executive head appoints all officers, but this is subject to confirmation by the council. Curtailment of power is shown also in the ability of the council to pass by a two-thirds' vote a measure of which the mayor has registered disapproval. In both of these plans salaries are fixed by the council, a maximum of $5000 for the mayor and $500 for councilmen being set.

Plans C and D. Commission government is provided by Plan C and a city manager by Plan D, with a council of five elected at large, in each case. In Plan C the affairs of the city are divided into the five departments of administration, finance, public works, public property and health, and each commissioner is elected for a specific de-

partment, that of the mayor being administration. The mayor, being head of that department, is the chief executive officer of the city, and presides over council meetings, where he may vote. He has no veto power. General jurisdiction over the policies and work of each department is in the hands of the council as a whole, but each commissioner has full power in his own department and appoints and removes officers subject to confirmation by the council. The salary limit is $5000 in the case of the mayor and $4000 for the other commissioners. The mayor in Plan D is that commissioner who receives the largest number of votes; he presides over the council and is the official head of the city; he may vote but has no veto power. The city manager is appointed and removed by the city council; he is the administrative head of the city and is responsible for the conduct of its departments. His salary is determined by the council; that of the mayor may not exceed $2000, of other commissioners $500.

General provisions. On three important matters the Massachusetts report allows no departure from uniformity—municipal finance and the assessing system, civil service, and school administration. The regulations now in force throughout the State regarding boards of assessors, accounting methods, etc., and civil service are to be kept unimpaired by the new bill. The school committee in each case is to consist of six members elected at large. The committee is given entire freedom to govern affairs in its own bailiwick, even to the control of all school buildings and grounds and the planning of new ones. To insure consideration of the city's financial condition in general while making its plans, the mayor is made chairman *ex officio* of the committee. Charter provisions or the general law relating to boards of education in New York are not to be affected in any way by the adoption of one of the new forms of charters. The New York law states that all appointments, promotions, removals and changes in the status of the civil service of a city shall be in accord with the civil service law provisions, but it provides for the appointment of three civil service commissioners for six-year terms, in Plans A, B and C by the city council, and in D, E and F by the mayor. Concerning the assessment of property in Plans A, B and C, the council is given all powers and duties of a board of assessors, although it may provide for one by ordinance; in D, E and F the assessing body is appointed by the mayor with the advice and consent of the council. The judiciary in New York is affected by the new scheme only in case of appointive justices, who are to be chosen by the council or the mayor according to the type of charter selected.

An interesting feature of the Massachusetts bill is the provision that, in the taking of land for municipal purposes, if the price proposed is twenty-five per cent in excess of the valuation, the land must be taken by eminent domain. Provision is also made for direct legislation, and a separate bill is appended in regard to preferential voting. Primary elections are to be abolished and nominations for all elective offices are to be by petition only. Tenure of office is two years in Massachusetts, thereby avoiding necessity of the recall, but in New York it is in every case four years.

The two schemes are in agreement in several important respects other than as represented by the types of charters offered. It will be noted that councils are in all cases unicameral. Both bills, likewise, emphasize the prohibition of any city official from participating in contracts with cities. The method of adoption of one of the new charters is identical save that in Massachusetts the question may be submitted only at a general election and that there is a slight difference in the number of voters necessary in signing a petition for a new charter—the difference being merely that in Massachusetts signatures must be had from ten per cent of the voters *registered* at the last general state election, while in New York the same percentage is required from the number of votes *cast*. Both States rule that, once adopted, a charter cannot be changed for a period of four years after the inauguration of the first officers elected under its provisions.

The Massachusetts document, if it becomes a law, will furnish a charter with all the modern features, to be selected from the four generally-accepted standard types, for all cities in the States, inasmuch as Plan A of the bill is modeled after the present Boston charter. Its scheme has more simplicity and there is less duplication among the separate plans than is found in the New York act. It has also more features which will make their appeal to municipalities with progressive inclinations. The two bills would seem more assured of success than those which have been introduced in several other States to provide for the adoption of the commission form of government only.

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